IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 25TH AUGUST 2006 / 3RD BHADRA 1928

Bail Appl..No. 5253 of 2006

CRIME NO.354/2006 OF PERAMBRA POLICE STATION

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PETITIONERS/ACCUSED NOS.1 TO 4

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1. RIYAS K., S/O.IBRAHIM, AGED 25 YEARS,
   KIZHAKKEPARAMBIL HOUSE, MENHANIAM, PANDIKODE,
   PERAMBRA.

2. RIYAS P.,S/O.AHAMMED, AGED 23 YEARS,
   PUTHUKKUDI HOUSE, KAYANNA, PERAMBRA.

3. NAVAS, S/O.IBRAHIM, AGED 21 YEARS,
   THATTANKANDY HOUSE, MENHANNIAM, PERAMBRA.

4. AYOOB K., S/O.MOIDEEN, AGED 24 YEARS,
   KOCHUPARAMBIL HOUSE, KAYANNA, PERAMBRA.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
SUB INSPLECTOR OF POLICE, PEERAMBRA POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5253/2006

DATED THIS THE 25TH DAY OF AUGUST, 2006

O R D E R

The petitioners are accused of the offence punishable under Section 308 IPC read with Section 34 IPC and also under Section 3(2)(a) of the PDPP Act. It is alleged that on 8.8.2006, the petitioners had illegally tapped the electricity from the electric line, drawn along the side of the river, and made electricity be passed on the flowing water, for the purpose of killing the fish and then collecting them. Because of the information, received by the engineer of Perambra, the matter was reported and Perambra Police Station authorities arrested the petitioners on 8.8.2006 itself. Crime No.354/2006 of that Police Station was registered, as per the offence stated above, as well as under the provisions of the Electricity Act.

2. When the application came up for hearing, the learned counsel for the petitioners submitted that the

petitioners, if at all did the act, without any intention and the petitioners are not required for interrogation by the Investigating Officer, as no recovery is necessitated.

3. The prosecution though opposed the bail application, on going through the materials, I find that the investigation is nearly complete, in respect of these petitioners, and the materials, used for tapping the electricity and passing the same on the flowing water, were also recovered. Material witnesses had been questioned.

4. In view of the above facts situation, I grant bail and release the petitioners from jail, subject to the following conditions:-

> (a). Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Perambra.
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> (b). The petitioners shall report before the Investigating Officer, once in a week on every Thursday, between

10.00 a.m and 11.00 a.m., for a period of three months, starting from 31.8.2006.

The application is allowed as above.

Hand over the order today itself.

J.M.JAMES
JUDGE

mrcs